

Exhibit E

1 [Submitting counsel below]

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3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN FRANCISCO DIVISION
7

8 **IN RE: UBER TECHNOLOGIES, INC.,
9 PASSENGER SEXUAL ASSAULT
10 LITIGATION**

No. 3:23-md-03084-CRB

**DECLARATION OF ROOPAL P. LUHANA
IN SUPPORT OF PLAINTIFFS' PTO 8
LETTER BREIF REGARDING
CUSTODIAL FILES**

11 This Document Relates to:

12 All Cases

14
15 I, Roopal P. Luhana, declare and state as follows:

16 1. I am an attorney and partner at Chaffin Luhana LLP, counsel for Plaintiffs and
17 Court-appointed Co-Lead Counsel in this action. I am a member in good standing of the State
18 Bars of New York, New Jersey, Connecticut, and Pennsylvania, and am admitted *pro hac vice* in
19 this coordinated action. I make this declaration based on my own personal knowledge. If called
20 upon to testify, I could and would testify competently to the truth of the matters stated herein.

22 2. I submit this Declaration in support of Plaintiffs' PTO 8 Letter Brief regarding
23 discovery relate to safety data and statistics that Plaintiffs seek from Uber, pursuant to Plaintiffs'
24 Requests for Productions 83 and 84, which seek "[a]ny and all DOCUMENTS RELATED TO
25 YOUR Safety Reports, including ones you have published and/or considered publishing,
26 including drafts," and [a]ny and all DOCUMENTS RELATED TO YOUR reviews, studies,
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1 surveys, or risk or hazard assessments related to SEXUAL MISCONDUCT or SEXUAL
2 ASSAULT of RIDERS,” respectively.

3 3. A true and accurate copy of Uber’s 2017-2018 U.S. Safety Report is attached
4 hereto as **Exhibit A**.

5 4. A true and accurate copy of Uber’s 2019-2020 U.S. Safety Report is attached
6 hereto as **Exhibit B**.

7 5. A true and accurate copy of a document produced by Uber in this litigation,
8 bearing Bates No. UBER-MDL3084-000090245 is attached hereto as **Exhibit C** (under seal).

9 6. A true and accurate copy of the January 18, 2024 Declaration of Katherine
10 McDonald, filed in JCCP litigation, Case No. CJ-21-005188, is attached hereto as **Exhibit D**
11 (under seal).

12 7. On May 10, 2024, pursuant to the ESI Order (ECF 524) and an agreement between
13 the Parties to do so by that date, Uber provided Plaintiffs a list of non-custodial files that Uber
14 could produce without the use of search terms.

15 8. The Court’s Order Governing the Production of Electronically Stored Information
16 and Hard Copy Documents obligates Uber to disclose non-custodial data sources likely to contain
17 potentially relevant documents and ESI and to meet and confer regarding their production. (ECF
18 524 at 6-7). By agreement of the Parties, by May 10 Uber was to identify non-custodial files that
19 Uber could produce without terms. However, Uber only identified sources related to specific
20 individual complaints that Uber is required to produce with its Defendant Fact Sheets, and has not
21 identified significant non-custodial sources of information that Uber should have, including
22 sources likely to contain information related to Uber’s published U.S. Safety Reports and Uber’s
23 collection, analysis, and auditing of information in conjunction with the Reports. Because this
24 information should reasonably be stored in an accessible non-custodial file, Plaintiffs specifically
25

1 requested during a meet and confer on May 20 that Uber produce this information without the use
 2 of search terms. Uber refused. The parties were unable to reach an agreement and on May 21,
 3 counsel for Plaintiffs advised Counsel for Defendants that due to the impasse, Plaintiffs would
 4 raise this issue to the Court under the PTO 8 process. The Parties addressed the topic again during
 5 a May 24, 2024 status conference and Uber confirmed that it would not produce the Requested
 6 information without the use of search terms. Again Plaintiffs confirmed the Parties were at an
 7 impasse and Plaintiffs would raise this issue to the Court under PTO 8.

9. Plaintiffs served their First Requests for Production on February 28, 2024. In
 10 pertinent part, Requests Numbers 84 and 84 seek “[a]ny and all DOCUMENTS RELATED TO
 11 YOUR Safety Reports, including ones you have published and/or considered publishing,
 12 including drafts,” and [a]ny and all DOCUMENTS RELATED TO YOUR reviews, studies,
 13 surveys, or risk or hazard assessments related to SEXUAL MISCONDUCT or SEXUAL
 14 ASSAULT of RIDERS,” respectively. While Plaintiffs’ request that Uber produce documents that
 15 contain statistics and data regarding the safety-related complaints Uber received in the United
 16 States from 2017 to present is incorporated under these Requests, reference to these Requests in
 17 Plaintiffs’ PTO 8 letter does not narrow the scope of those requests by time or otherwise. Nor do
 18 these Requests limit or narrow Uber’s obligation to produce data from non-custodial files without
 19 the use of search terms.
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22 I declare under penalty of perjury that the foregoing is true and correct. Executed on June
 23 5, 2024, in New York, New York.

24 */s/ Roopal P. Luhana*
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